

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

In Re:

SAUDDY NOEMI HERNÁNDEZ ONEILL
JOAN LAUREANO COLON
XXX-XX-1670
XXX-XX-7319

Debtor(s)

Case No. 19-06674 (BKT)

Chapter 13

TRUSTEE'S OBJECTION TO DEBTORS' CLAIMED EXEMPTIONS (DOCKET NO. 1)

TO THE HONORABLE COURT:

NOW COMES José R. Carrión, Chapter 13 Trustee, through the undersigned attorney, and very respectfully states and prays:

1. On November 14, 2019, Debtor filed a Schedule C with the bankruptcy petition (Docket No.1).

2. The §341 Meeting of Creditors was held and closed on January 2, 2020 (Docket No. 11). Therefore, the period of time for Trustee's objects the Debtors' claimed exemptions elapsed on February 1, 2020.

3. As explained in detail below, the Trustee objects the exemptions claimed by the Debtor on Schedule C of the bankruptcy petition.

4. In this case, Debtor included in Schedule C, among others, the following exemption over the personal property listed in Schedule B:

| Description of Property | Specific Law Providing Each Exemption | Value of Claimed Exemption |
|-------------------------|---|----------------------------|
| One Refrigerator | 32 P.R.L.A. §1130 (1), (2), (8), (11), (14) | \$175.00 |

| | | |
|-------------------------------|---|----------|
| One washing machine | 32 P.R.L.A. §1130 (1), (2), (8), (11), (14) | \$50.00 |
| Clothing and personal effects | 32 P.R.L.A. §1130 (1), (2), (8), (11), (14) | \$175.00 |
| TOTAL | | \$400.00 |

5. Section 1130 of the Puerto Rico Civil Code, 32 P.R.L.A. §1130, is divided in sub-paragraphs to provide certain exemptions that a person may claim. The same read in pertinent part, as follows:

(1) "Chairs, tables, desks and books, to the value of one hundred (100) dollars, belonging to the judgment debtor."

(2) "Necessary household, table and kitchen furniture belonging to the judgment debtor, including one sewing machine in actual use in the family, or belonging to a woman, and stove, furniture, beds, bedding and bedsteads, not exceeding in value two hundred (200) dollars, wearing apparel, hanging pictures, oil paintings and drawings, drawn or painted by any member of the family, and family portraits and their necessary frames, provisions actually provided for individual or family use sufficient for one month; one cow with her suckling calf, and one hog with her suckling pigs."

(3) ...

(4) ...

(5) ...

(6) ...

(7) ...

(8) "The shares held by a member of a homestead association duly incorporated, not exceeding in value five hundred (500) dollars, if

the person holding the share is not the owner of a homestead under the laws of this Commonwealth."

(9) ...

(10) ...

(11) "All arms, uniforms, and accouterments required by law to be kept by any person; also one gun."

(12) ...

(13) ...

(14) "Common iceboxes expressly designed and commercially known for home use; home-use kitchens; wash machines for home use whose cash price does not exceed two hundred (200) dollars; radio receiving sets whose cash price does not exceed one hundred (100) dollars; television sets for home use whose cash price does not exceed two hundred and fifty (250) dollars per unit, and electric irons for home use, are likewise exempted from attachment and execution."
(Emphasis Supplied)

...

6. The Trustee objects the aforementioned exemptions over the described property in paragraph four (4) of this motion because Debtor has failed to specify the sub-paragraphs of Section 1130 that apply each item. Therefore, the exemptions were wrongly claimed in Schedule C.

7. In light of the above mentioned, the Trustee objects the exemptions claimed over the personal property.

WHEREFORE the Trustee respectfully requests that this Honorable Court enter an order denying Debtors' claimed exemption as set out above.

14 DAYS NOTICE: The Debtor(s) is hereby notified that unless an opposition to this objection is submitted in writing within 14 days from the date appearing in the certificate of

service, infra, the Court may grant this motion without the need of an actual hearing.

CERTIFICATE OF SERVICE: Pursuant to Bankruptcy Rule 4003(b) The Chapter 13 Trustee herewith certified that a copy of this motion has been served by regular US Mail on this **same date to:** the DEBTOR(S) and to her/his/their ATTORNEY, to their respective address of record.

NEGATIVE CERTIFICATION PURSUANT TO SECTION 201(B)(4) OF THE SERVICEMEN'S CIVIL RELIEF ACT OF 2003: I hereby declare according to the attached certification(s), provided by the Department of Defense Manpower Data Center (DMDC), the Debtor(s) is (are) not in active duty or under call to active duty as a member(s) of the ARMY, NAVY, or AIR FORCES of the United States of America; the National Guard; the Public Health Service or the National Oceanic and Atmospheric Administration.

In San Juan, Puerto Rico this 27th day of January 2020.

/S/Mayra M. Argüelles Álvarez

Staff Attorney
USDC-PR No. 228304
JOSE R. CARRIÓN-MORALES
CHAPTER 13 TRUSTEE
P.O. Box 9023884
San Juan, P.R. 00902-3884
Tel (787) 977-3535
Fax (787) 977-3550
marguelles@ch13-pr.com

The undersigned hereby certifies that a true copy of the foregoing document was mailed by first class mail to the parties listed below:

JOSE R. CARRION
PO BOX 9023884, OLD SAN JUAN STATION
SAN JUAN, PR 00902

MARIA DE LOS ANGELES GONZALEZ, ESQ.
US POST OFFICE & COURTHOUSE
300 RECINTO SUR ST., SUITE 109
OLD SAN JUAN, PR 00901

ROBERTO FIGUEROA CARRASQUILLO*
PO BOX 186
CAGUAS, PR 00726-0186

DEPARTMENT OF TREASURY
PO BOX 9024140
SAN JUAN, PR 00902

UNEMPLOYMENT INSURANCE
PUERTO RICO DEPT OF LABOR
12 FLOOR 505 MUNOZ RIVERA AVE.

SAUDDY NOEMI HERNANDEZ ONEILL
RR6 BOX 6936
TOA ALTA, PR 00953

BANCO POPULAR DE PUERTO RICO
BANKRUPTCY DEPARTMENT
PO BOX 366818
SAN JUAN,, PR 00936-6818

BPPR AS SERVICER FOR FREDDIE MAC
PO BOX 362708
SAN JUAN, PR 00936-2708

BPPR SERVICER FOR FREDDIE MAC
C/O SERGIO RAMIREZ DE ARELLANO
BANCO POPULAR CENTER SUITE 1022
209 MUNOZ RIVERA AVENUE

CAPITAL ONE BANK (USA) NA
BY AMERICAN INFOSOURCE LP AS AGENT
PO BOX 71083
CHARLOTTE, NC 28272-1083

CAPITAL ONE BANK USA NA
BY AMERICAN INFOSOURCE AS AGENT
4515 N SANTA FE AVE
OKLAHOMA CITY, OK 73118

CICA COLLECTION AGENCY, INC
PO BOX 12338
SAN JUAN,, PR 00914-0338

CITIBANK NA
6716 GRADE LN BLG 9 STE 910-PY DEPT
LOUISVILLE, KY 40213-3439

CITIBANK NA
5800 S CORPORATE PL
SIOUX FALLS, SD 57108-5027

CLARO
PO BOX 360998
SAN JUAN,, PR 00936-0998

DEL VALLE RODRIGUEZ LAW OFFICES
JOSE RAFAEL DEL VALLE RODRIGUEZ,ESQ
PO BOX 10590
SAN JUAN, PR 00922-0590

DISCOVER BANK
DISCOVER PRODUCTS INC
PO BOX 3025
NEW ALBANY, OH 43054-3025

EASTERN AMERICA INSURANCE COMPANY
PO BOX 9023862
SAN JUAN, PR 00902

EASTERN AMERICA INSURANCE COMPANY
PO BOX 9023862
SAN JUAN, PR 00902

FIRST BANK PUERT RICO
PRESTAMOS DE AUTO
PO BOX 9146
SANTURCE, PR 00908-0146

INTERNAL REVENUE SERVICES
PO BOX 7317
PHILADELPHIA, PA 19101-7317

INTERNAL REVENUE SERVICES
PO BOX 7346
PHILADELPHIA, PA 19101-7346

ISLAND FINANCE
PO BOX 71504
SAN JUAN,, PR 00936-8604

ISLAND PORTFOLIO SERVICES LLC
AS SERVICER OF ACE ONE FUNDING LLC
C/O CHARLINE MICHELLE JIMENEZ ECHEVARRIA
PO BOX 191134

JEFFERSON CAPITAL SYSTEMS LLC
PO BOX 772813
CHICAGO, IL 60677-2813

JEFFERSON CAPITAL SYSTEMS LLC
PO BOX 7999
SAINT CLOUD, MN 56302-9617

LVNV FUNDING LLC
RESURGENT CAPITAL SERVICES
PO BOX 10587
GREENVILLE, SC 29603-0587

MONEY EXPRESS
FIRSTBANK
PO BOX 9146
SAN JUAN, PR 00908-0146

POPULAR AUTO
PO BOX 366818
SAN JUAN, PR 00936-6818

POPULAR AUTO LLC
C/O CARLOS E PEREZ PASTRANA
PO BOX 366818
SAN JUAN, PR 00936-6818

SYNCB/ROOMS TO GO
C/O
PO BOX 965036
ORLANDO,, FL 32896-5036

SYNCHRONY BANK
C/O OF PRA RECEIVABLES MANAGEMENT, LLC
PO BOX 41021
NORFOLK, VA 23541

UNIVERSIDAD CENTRAL DE BAYAMON
PO BOX 1725
BAYAMON, PR 00619

DATED: January 27, 2020

GENESIS RIVERA

OFFICE OF THE CHAPTER 13 TRUSTEE



Status Report Pursuant to Servicemembers Civil Relief Act

SSN: XXX-XX-1670
Birth Date:
Last Name: HERNANDEZ ONEILL
First Name: SAUDDY
Middle Name: NOEMI
Status As Of: Jan-27-2020
Certificate ID: 4XDS7MBYGHQL8MF

| On Active Duty On Active Duty Status Date | | | |
|---|----------------------|--------|-------------------|
| Active Duty Start Date | Active Duty End Date | Status | Service Component |
| NA | NA | No | NA |
| This response reflects the individuals' active duty status based on the Active Duty Status Date | | | |

| Left Active Duty Within 367 Days of Active Duty Status Date | | | |
|---|----------------------|--------|-------------------|
| Active Duty Start Date | Active Duty End Date | Status | Service Component |
| NA | NA | No | NA |
| This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date | | | |

| The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date | | | |
|---|-----------------------------|--------|-------------------|
| Order Notification Start Date | Order Notification End Date | Status | Service Component |
| NA | NA | No | NA |
| This response reflects whether the individual or his/her unit has received early notification to report for active duty | | | |

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Michael V. Sorrento, Director
Department of Defense - Manpower Data Center
400 Gigling Rd.
Seaside, CA 93955

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. ? 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service. Service contact information can be found on the SCRA website's FAQ page (Q33) via this URL: <https://scra.dmdc.osd.mil/faq.xhtml#Q33>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. ? 521(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC ? 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC ? 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC ? 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.



Status Report Pursuant to Servicemembers Civil Relief Act

SSN: XXX-XX-7319
Birth Date:
Last Name: LAUREANO COLON
First Name: JOAN
Middle Name:
Status As Of: Jan-27-2020
Certificate ID: 7RJ8XKN8J2GT111

| On Active Duty On Active Duty Status Date | | | |
|---|----------------------|--------|-------------------|
| Active Duty Start Date | Active Duty End Date | Status | Service Component |
| NA | NA | No | NA |
| This response reflects the individuals' active duty status based on the Active Duty Status Date | | | |

| Left Active Duty Within 367 Days of Active Duty Status Date | | | |
|---|----------------------|--------|-------------------|
| Active Duty Start Date | Active Duty End Date | Status | Service Component |
| NA | NA | No | NA |
| This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date | | | |

| The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date | | | |
|---|-----------------------------|--------|-------------------|
| Order Notification Start Date | Order Notification End Date | Status | Service Component |
| NA | NA | No | NA |
| This response reflects whether the individual or his/her unit has received early notification to report for active duty | | | |

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Michael V. Sorrento, Director
Department of Defense - Manpower Data Center
400 Gigling Rd.
Seaside, CA 93955

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. ? 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service. Service contact information can be found on the SCRA website's FAQ page (Q33) via this URL: <https://scra.dmdc.osd.mil/faq.xhtml#Q33>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. ? 521(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC ? 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC ? 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC ? 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.